

February 15, 2008

TO: Members of the MAG Regional Council Executive Committee
Members of the Building Lease Working Group

FROM: Mayor James M. Cavanaugh, City of Goodyear, Chair and
Mayor Keno Hawker, City of Mesa

SUBJECT: **REVISED** MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDAS FOR
THE JOINT MEETING OF THE MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
AND THE BUILDING LEASE WORKING GROUP AND MEETING OF THE REGIONAL
COUNCIL EXECUTIVE COMMITTEE WITH A POSSIBLE EXECUTIVE SESSION

Tuesday, February 19, 2008 - 11:00 a.m.
MAG Office, Suite 200 - Cholla Room
302 North 1st Avenue, Phoenix

A joint meeting of the MAG Regional Council Executive Committee and the Building Lease Working Group (BLWG) has been scheduled for the time and place noted above. Members of the Committee and the Working Group may attend the meeting either in person, by telephone conference, or by video conference.

Please park in the garage under the building. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Alana Chávez at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions regarding the Executive Committee agenda items, please contact Mayor James Cavanaugh at (623) 882-7782. For the BLWG, please contact Mayor Keno Hawker at (480) 644-2388. For MAG staff, please contact Dennis Smith, MAG Executive Director, at (602) 254-6300.

JOINT EXECUTIVE COMMITTEE AND BUILDING LEASE WORKING GROUP

AGENDA

COMMITTEE ACTION REQUESTED

1. Call to Order

The joint meeting of the Executive Committee and the Building Lease Working Group (BLWG) will be called to order.

2. Call to the Audience

An opportunity will be provided to members of the public to address the joint Executive Committee and Building Lease Working Group on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the joint Executive Committee and Building Lease Working Group requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

2. Information and discussion.

**ITEMS PROPOSED TO BE HEARD
BY THE EXECUTIVE COMMITTEE AND
THE BUILDING LEASE WORKING GROUP**

3. Regional Office Center Update

At the November 19, 2007, Joint Executive Committee and Building Lease Working Group meeting, staff provided an update on negotiations regarding the Regional Office Center. The Executive Committee recommended the following for consideration to the Regional Council for approval: 1) Signed Letter of Intent with the Landowner to purchase property; 2) Memorandum of Cooperation between MAG, Regional Public Transportation Authority (RPTA) and Valley Metro Rail (METRO); 3) Final Terms for Development Agreement with the City of Phoenix and 4) Resolution of Indemnification with the Ryan Companies for \$525,000. The Executive Committee also recommended

3. Information and discussion.

accepting the rankings for the one-step design-build services RFQ and authorize MAG to enter into negotiations for a design-build team to the MAG Regional Council for approval. An update on the land acquisition, financing, legal, and design/construction processes will be provided.

EXECUTIVE COMMITTEE

AGENDA

I. Call to Order

The meeting of the Executive Committee will be called to order.

2. Call to the Audience

An opportunity will be provided to members of the public to address the Executive Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Executive Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

2. Information and discussion.

ITEMS PROPOSED FOR CONSENT*

BY THE EXECUTIVE COMMITTEE

***3A. Approval of the January 14, 2008 Executive Committee Meeting Minutes**

The minutes are being prepared and will be forwarded in a separate mailing.

***3B. Consultant Selection for the Statewide Transportation Survey**

On December 19, 2007, the MAG Regional Council approved conducting a public opinion survey to measure voter attitudes and preferences in addressing regional and statewide transportation mobility needs, and that the FY 2008 MAG Unified Planning Work Program and Annual Budget be amended to include \$55,000

3A. Review and approve the January 14, 2008, Executive Committee meeting minutes.

3B. Recommend that MAG negotiate with WestGroup Research to conduct the Statewide Transportation Survey for an amount not to exceed \$55,000. If negotiations with WestGroup Research are not successful, the panel recommends that MAG negotiate with its second choice, Behavior Research Center, to conduct the survey.

for the survey. On January 13, 2008, MAG issued a Request for Proposals to develop and conduct an independent, scientifically valid voter opinion survey. In response, six proposals were received. A multi-agency review team met on February 5, 2008, and recommended to MAG the selection of WestGroup Research to conduct the survey. In addition, the team recommended that if negotiations with WestGroup are not successful, that MAG be directed to negotiate with its second choice, Behavior Research Center. On February 13, 2008, the MAG Management Committee recommended approval of this item. Please refer to the enclosed material.

ITEMS TO BE HEARD BY THE EXECUTIVE COMMITTEE

4. Regional Office Center Negotiations

The Executive Committee may vote to recess the meeting and go into executive session for the purpose of discussion and consultation with MAG's attorneys for legal advice and for MAG to consider MAG's position and instruct its attorneys concerning negotiations of agreements concerning the Regional Office Center A.R.S. 38-431.03(A)(3) and (4).

The meeting may then be reconvened to take action regarding negotiations regarding agreements for the Regional Office Center being contemplated by MAG.

5. Request for Preconstruction Phase Funding and Authorization to Enter into Preconstruction Services Contract with McCarthy Building Companies

In December 2007, the three regional transportation agencies approved the Memorandum of Cooperation and sharing the preoccupancy costs for the Regional Office Center (ROC) with an estimated cap of \$330,000 each. On December 19, 2007, the MAG Regional Council approved the rankings for the design build-team. Staff has since met with the McCarthy Building Companies to discuss the preconstruction services contract.

4. Information, discussion and possible action to recess the meeting to conduct an executive session to discuss agreements regarding the Regional Office Center, and to reconvene the meeting for possible action on legal agreements regarding the Regional Office Center.

5. Information, discussion and possible action to do the following: 1) Approve Amended and Restated Memorandum of Cooperation increasing the maximum of shared equal costs among the agencies from \$330,000 to \$550,000 each, including clarification of certain other provisions, and 2) Authorize the MAG Executive Director to enter into a preconstruction services contract with McCarthy Building Companies not to exceed \$500,000.

McCarthy, at its initiative, has re-estimated the ROC project using the documentation acquired from the Ryan/RNL team and provided a level of confidence to build the ROC within the Guaranteed Maximum Price (GMP) previously identified for the project. McCarthy has advised that the garage for the project will need to be revised from five to four levels and the media center is being reevaluated. To address the preconstruction phase costs, each agency is being requested to contribute an estimated cap of \$220,000 to cover the preconstruction services contract with McCarthy and anticipated legal, bond counsel and construction manager consulting ongoing costs from January 2008 through June 2008. On February 6, 2008, the METRO and RPTA Management Committees recommended approval of this item to their respective boards which will take place on February 20 and 21, respectively.

In addition to requesting funding for the Preconstruction Phase, MAG is also requesting to authorize the MAG Executive Director to enter into a preconstruction services contract with McCarthy Building Companies which will provide a final GMP for the building and include the right to ownership of the materials produced by the McCarthy team. Please refer to the enclosed material. Additional material pertaining to this item is forthcoming.

6. Development of the FY 2009 MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies in April and approved by the Regional Council in May. To provide an early start in developing the Work Program and Budget, this presentation is an overview of MAG's draft proposed new projects for the FY 2009 Work Program. The updated draft budget time line, the estimated dues and assessments and the invitation for the Budget Videoconference are included in the budget materials. This item has been provided for information at the February 13, 2008,

6. Information and discussion.

Management Committee meeting. Please refer to the enclosed material.

7. Resolution to Request the EPA to Provide Sufficient Time for Existing Measures to Take Effect in the Implementation of a More Stringent Eight-Hour Ozone Standard

On July 11, 2007, the Environmental Protection Agency(EPA) published a proposed rulemaking to revise the eight-hour ozone standard to provide increased public health protection for children and other at risk populations. In Arizona, several business groups have indicated opposition to the adoption of a more stringent standard and have approached MAG regarding our position. As the regional air quality planning agency, MAG believes that it is important to protect public health. Over time, several aggressive measures have been adopted by the Arizona Legislature, local governments, and federal government which have been successful in eliminating violations of the current eight-hour ozone standard and prior one-hour ozone standard. It is important for EPA to place these measures in context with a more stringent standard. The attached resolution would request that EPA provide sufficient time for measures that have already been adopted to take effect in the implementation of a more stringent eight-hour ozone standard. Please refer to the enclosed material.

8. Adjournment

7. Information, discussion and possible action to recommend adoption of a resolution to request the Environmental Protection Agency to provide sufficient time for existing measures to take effect in the implementation of a more stringent eight-hour ozone standard.